

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARIA MOORE,

Plaintiff,

v.

ANISSA DE LA CRUZ,

Defendant.

Case No. [25-cv-03567-TSH](#)

**ORDER TO SHOW CAUSE**

Petitioner Maria Moore, a prisoner of the State of California, has filed a habeas corpus petition pursuant to 28 U.S.C. § 2254. Petitioner has paid the \$5.00 filing fee. The petition sets forth three claims challenging the constitutionality of petitioner's conviction in state court: (1) ineffective assistance of counsel under the Sixth Amendment; (2) due process under the Fourteenth Amendment (failure to correct jury's application of the preponderance of the evidence standard), and (3) due process under the Fifth and Fourteenth Amendments due to her innocence. These claims, when liberally construed, are cognizable and potentially meritorious. Good cause appearing, Respondent Anissa De La Cruz, acting warden of the Central California Women's Facility, is hereby ordered to show cause why the petition should not be granted. In order to expedite the resolution of this case, it is further ordered as follows:

1. The Clerk of Court shall serve a copy of the Petition and this Order upon Respondent and the Attorney General of the State of California. *See* 28 U.S.C. § 2254, Rule 4.

2. Consistent with 28 U.S.C. § 2254, Rule 5 and Habeas Local Rule 2254-6, Respondent shall file and serve on petitioner an answer within 60 days of service of the petition and this order. Respondent shall file with the answer and serve on Petitioner a copy of all portions of the underlying criminal record that were previously transcribed and are relevant to the issues

presented by the petition.

If Petitioner wishes to respond to the answer, Petitioner shall do so by filing a traverse with the Court and serving it on Respondent within 30 days of the date the answer is filed.

3. Respondent may file, within 60 days, a motion to dismiss on procedural grounds in lieu of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases. If Respondent files such a motion, Petitioner shall file with the Court and serve on Respondent an opposition or statement of non-opposition within 28 days of the date the motion is filed, and Respondent shall file with the Court and serve on Petitioner a reply within 14 days of the date any opposition is filed.

4. The Clerk shall send a notice to Petitioner and Respondent regarding consenting to the jurisdiction of a magistrate judge.

**IT IS SO ORDERED.**

Dated: April 24, 2025

  
THOMAS S. HIXSON  
United States Magistrate Judge